

REMARKS

Applicants respectfully request favorable reconsideration of this application, as amended.

Applicants' election of species I (Fig. 17) for prosecution on the merits is hereby affirmed. Claims 1 and 2 are readable on the elected species.

New dependent Claims 4-10 are presented at this time in order to provide more comprehensive protection for certain aspects of the invention. Each of the newly presented claims is readable on the elected species. The specification has been amended to provide antecedent basis for the language of new Claim 7. A conforming change to Fig. 17 is also being proposed in a separate Letter Proposing Drawing Changes.

Claim 1 has been amended in accordance with the Examiner's suggestion in order to avoid the alleged indefiniteness. The Examiner's suggestion is most appreciated.

Turning to the merits, each of Claims 1 and 2, as amended, now more particularly defines the claimed device as a linear motion device in which the outer member is linearly moveable relative to the inner member. Regarding the

outstanding rejection under 35 U.S.C. § 102(b), the cited patent to Zeilman pertains to a heavy duty ball bearing such as for use in turntables of derricks, cranes, power shovels, shovels, excavators, and the like. Zeilman thus has nothing to do with a linear motion device having balls and a spacer configuration as particularly claimed.

Accordingly, Claims 1 and 2 distinguish patentably from Zeilman and should now be allowed.

The newly presented dependent claims distinguish from Zeilman, of course, for at least the same reasons as their respective base claims. Regarding Claims 4 and 8 (and their respective dependents), note additionally that in contrast to the claimed integrally formed spacer, Zeilman's spacer is a telescoping arrangement of spacer components within a tubular housing.

A Terminal Disclaimer is being submitted herewith to overcome the rejection for obviousness-type double patenting.

An early Notice of Allowance is respectfully solicited.

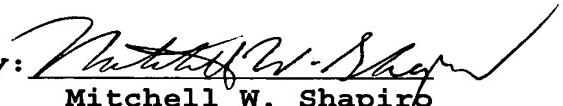
The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any

overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

Respectfully submitted,

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October 28, 2002

MARKED-UP VERSION OF THE CLAIMS (10/038,660) :

1 1. (Twice Amended) A linear motion device comprising:
2 an outer member;
3 an inner member facing said outer member via a gap;
4 [a screw shaft of which an outer peripheral surface is
5 formed with a helical screw groove;
6 a nut of which an inner peripheral surface is formed with
7 a helical screw groove corresponding to the helical screw
8 groove of said screw shaft;
9 a helical circulation path defined by the two helical
10 screw grooves;]
11 a multiplicity of balls [so] disposed [in said helical
12 circulation path as to be capable of rolling; and] between
13 said outer member and said inner member; and
14 a plurality of spacers[,];
15 said outer member being linearly moveable relative to
16 said inner member;
17 wherein each spacer is disposed between two adjacent
18 balls and has two concave surfaces facing respectively to said
19 two balls[,]; and

20 a [section] sectional shape of each [of the] concave
21 [surfaces] surface of at least one spacer is [shaped] such
22 that a central portion of said concave surface is
23 rectilinearly connected to an outer edge of the spacer.

1 2. (Amended) A linear motion device comprising:
2 an outer member;
3 an inner member facing said outer member via a gap;
4 a multiplicity of balls disposed between said outer
5 member and said inner member; and
6 [a spacer interposed between adjacent balls,
7 wherein said spacer has concave surfaces with which said
8 adjacent balls come into line contact]
9 a plurality of spacers;
10 said outer member being linearly movable relative to said
11 inner member;
12 wherein each spacer is disposed between two adjacent
13 balls and has two concave surfaces facing respectively to said
14 two balls; and
15 a sectional shape of each concave surface of at least one
16 spacer is such that the spacer is in substantially circular
17 line contact with the adjacent balls.